

ENTERED ON DOCKET  
OCTOBER 10, 2008

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	CHAPTER 7
	)	
PORTIA CODJOE,	)	CASE NO. 08-76964-MHM
	)	
Debtor.	)	

**ORDER AND NOTICE MOTION FOR WAIVER OF FILING FEE**

On August 29, 2008, Debtor filed, with her bankruptcy petition, an application for waiver of the Chapter 7 filing fee. That application, however, appears to be inaccurate. Debtor inserted the same dollar amount for questions 2, 3 and 4. Question 4, however, should be a cumulative total of the amounts for question 2 (debtor's income) and question 3 (dependents' income).

Additionally, Debtor filed a prior case July 1, 2008, which was dismissed effective August 5, 2008. In the prior case, Debtor failed to file Schedules or a Statement of Financial Affairs.<sup>1</sup> When Debtor filed this instant case, *pro se*, she again filed a skeletal petition with no Schedules. In neither this case nor her prior case has Debtor filed pay advices or the other information required by §521.

A debtor qualifies for waiver of the filing fee under 18 U.S.C. §1930(f) if the debtor's income is "less than 150 percent of the income official poverty line [as last published by the

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Section 521 and Bankruptcy Rule 1007(b) require a debtor to file schedules of assets and liabilities, a schedule of current income and expenditures, a schedule of executory contracts and unexpired leases, and a statement of financial affairs (the "Schedules"). When the bankruptcy petition is not accompanied by the Schedules, it is termed a "skeletal" petition. Bankruptcy Rule 1007(c) provides that, if the Schedules are not filed with the petition, they must be filed within 15 days thereafter.


Furthermore, under §521(i), if Debtor fails to file the information required by §521(a)(1)(B), this case will be automatically dismissed effective on the 46<sup>th</sup> day after the date the petition was filed. The 46<sup>th</sup> day after August 29, 2008, is October 14, 2008.

United States Department of Health and Human Services] . . . applicable to a family of the size involved and is unable to pay that fee in installments." The burden of proof rests with the debtor. *See* Judicial Conference of the United States Interim Procedures Regarding the Chapter 7 Waiver Provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. In both this case and her prior case, Debtor has failed to present any itemization or documentation of her income and expenses except the cursory information requested on the form application for waiver of the filing fee. Both cases appear to have been filed to address a single creditor dispute and may have been filed in bad faith. *See Shell Oil Co. V. Waldron*, 785 F. 2d 936 (11<sup>th</sup> Cir. 1986). Debtor presented insufficient information to evaluate whether she is eligible for waiver of the filing fee. Accordingly, it is hereby

**ORDERED** that, on or before **October 14, 2008**, Debtor must file her *completed* Schedules and other information required by §521. If Debtor fails to file the §521 information within the time allowed, an order denying the application and dismissing this case may be entered without further notice or hearing.

The Clerk is directed to serve a copy of this Order upon Debtor and the Chapter 7 Trustee.

IT IS SO ORDERED, this the 10<sup>th</sup> day of October, 2008.

  
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MARGARETH MURPHY  
UNITED STATES BANKRUPTCY JUDGE